

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN MIKLITSCH,

Docket No.: 23-cv-9903

Plaintiff,

PROPOSED JUDGMENT

-against-

STATE FARM FIRE AND CASUALTY COMPANY,

Defendant.
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On January 8, 2025, the Court issued an Order for Plaintiff John Miklitsch to show cause on or before February 24, 2025 as to why the case should not be dismissed for failure to prosecute.

Counsel for the parties appeared for a telephonic hearing on February 25, 2025. At the hearing, the Court considered Defendant State Farm Fire and Casualty Company's application for dismissal of the case pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Plaintiff having failed to communicate with the Court prior to February 24, 2025, or otherwise show cause as to why the case should not be dismissed, and after due consideration of counsels' respective arguments at the hearing, it is

ORDERED AND ADJUDGED that this matter is hereby dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure Default, **except** that the dismissal shall be without prejudice.

The Clerk of the Court is directed to close the case.

Dated: February 26, 2025



DALE E. HO
United States District Judge